

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MALIK GARRETT,

Defendant.

CASE NO. CR21-0121-JCC

ORDER

This matter comes before the Court on Defendant's unopposed motion to continue the trial date and pretrial motions deadline (Dkt. No. 19). Having thoroughly considered Defendant's briefing and the relevant record, the Court GRANTS the motion for the reasons explained below.

Trial in this matter is currently set for September 27, 2021; pretrial motions were due September 2, 2021. (Dkt. No. 18.) Defendant seeks a continuance of the trial date to February 14, 2022, citing counsel's need to review and investigate discovery and discuss the factual and legal issues of this case with Defendant. (Dkt. No. 19 at 2.) Based on the foregoing, the Court FINDS as follows:

1. The ends of justice served by granting the requested continuance outweigh the best interests of Defendant and the public to a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A).

2. Taking into account the exercise of due diligence, the failure to grant the continuance would deny counsel the reasonable time necessary for effective preparation, *see* 18

1 U.S.C. § 3161(h)(7)(B)(iv), and would therefore result in a miscarriage of justice, *see* 18 U.S.C.
2 § 3161(h)(7)(B)(i).

3 3. The ends of justice will be served by ordering a continuance in this case, as a
4 continuance is necessary to ensure adequate time for the defense to review discovery and
5 effectively prepare for trial.

6 Additionally, the Court holds that the duration of this continuance is excluded from the
7 Defendant's speedy trial calculation because it is "a reasonable period of delay" within the
8 meaning of 18 U.S.C. § 3161(h)(6). *See United States v. Messer*, 197 F.3d 330, 337 (9th Cir.
9 1999).

10 IT IS THEREFORE ORDERED that the trial date shall be continued to February 14,
11 2022, and that the pretrial motions deadline is reset to January 17, 2022.

12 IT IS FURTHER ORDERED that the resulting period of delay from the filing of the
13 motion to continue to the new trial date is hereby excluded for speedy trial purposes under 18
14 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(i), (iv).

15 DATED this 16th day of September 2021.

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19 John C. Coughenour
20 UNITED STATES DISTRICT JUDGE
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